

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

vs.

AT&T INC., AT&T SERVICES, INC., AT&T
MOBILITY, LLC AND AT&T CORP.,

Defendants.

Civil Action No. 2:23-cv-00397-JRG-RSP
(Lead Case)

ANSWER TO COUNTERCLAIMS

JURY TRIAL

HEADWATER RESEARCH LLC,

Plaintiff,

vs.

AT&T INC., AT&T SERVICES, INC., AT&T
MOBILITY, LLC AND AT&T CORP.,

Defendants.

Civil Action No. 2:23-cv-00398-JRG-RSP
(Member Case)

ANSWER TO COUNTERCLAIMS

JURY TRIAL

HEADWATER’S ANSWER TO AT&T’S COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant Headwater Research LLC (“Headwater”) hereby answers Defendants and Counterclaimant-Plaintiffs’ AT&T Services, Inc., AT&T Mobility, LLC, AT&T Corp. (collectively, “AT&T” or “Counterclaimants”), counterclaims as follows:

THE PARTIES

1. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis: denied.
2. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 and on that basis: denied.

3. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 and on that basis: denied.

4. Admitted that Headwater Research LLC is a Texas limited liability company with its headquarters at 110 North College Avenue, Suite 1116, Tyler, Texas 75702.

JURISDICTION AND VENUE

5. Admitted.

6. Admitted.

7. Admitted.

8. Headwater admits that it has sued AT&T for infringement of the '541 Patent, and '613 Patent and that there is a substantial, actual, and continuing controversy between Headwater and AT&T as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 8.

COUNT I
(Declaratory Judgment of Invalidity of the '541 Patent)

9. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

10. Denied.

11. Denied.

COUNT II
(Declaratory Judgment of Invalidity of the '613 Patent)

12. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

13. Denied.

14. Denied.

JURY DEMAND

15. Headwater, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

EXCEPTIONAL CASE

16. Denied.

PRAYER FOR RELIEF

In response to AT&T's prayer for relief, Headwater denies that AT&T is entitled to any relief, including any of the relief requested in paragraphs A–D of AT&T's prayer for relief. Further, Headwater requests the following relief:

WHEREFORE, Headwater respectfully requests that this Court enter:

- a. A judgment in favor of Headwater that AT&T has infringed, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise, the '541 Patent and the '613 Patent;
- b. A permanent injunction prohibiting AT&T from further acts of infringement of the '541 Patent and the '613 Patent;
- c. A judgment and order requiring AT&T to pay Headwater its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for AT&T's infringement of the '541 Patent and the '613 Patent;
- d. A judgment and order requiring AT&T to provide accountings and to pay supplemental damages to Headwater, including without limitation, pre-judgment and post-judgment interest;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Headwater its reasonable attorneys' fees against AT&T; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

Dated: December 4, 2023

Respectfully submitted,

/s/ Marc Fenster

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**ATTORNEYS FOR PLAINTIFF AND
COUNTERCLAIM-DEFENDANT,
Headwater Research LLC**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 4th day of December 2023, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster